

Connecting NH – Answers to Submitted Questions

Round 3

Q. Please clarify in Section 1.5 the length of time a proposal must be valid.

A. See Addendum #1 to the RFP.

Q. In Section 1.9, the State reserves the right to negotiate the final terms and conditions of a grant agreement after the announcement of an award. In order to maximize the time to construct infrastructure, will expenses incurred during the negotiation period be reimbursable, assuming a final agreement is reached? In Section 1.10, will a Notice to Proceed be issued prior to the final execution of a grant agreement?

A. See Addendum #4 to the RFP. See also, final paragraph of Section 6 which provides, “Any work begun prior to the Effective Date and subsequent written Notice to Proceed is done at Applicant’s sole risk.”

Q. Please clarify whether projects that are planned and permitted, but where construction has not yet begun, eligible projects? (See Section 2, page 7).

A. Yes, so long as they meet all the other requirements of the RFP.

Q. Please clarify that the operation, maintenance, and ownership of the system is the sole responsibility of the Selected Applicants.

A. Yes.

Q. Will the state award funds to applicants for a proposed project which includes locations already capable of receiving internet access speeds of 25/3?

A. See Addendum #4 to the RFP. Only Unserved Properties are eligible for funding.

Q. Will the state award funds to applicants for a proposed project which includes both locations already capable of receiving internet access speeds of 25/3 and locations which are not capable of receiving internet access speeds of 25/3?

A. See Addendum #4 to the RFP. See also, Section 5.2 of the RFP. Funds will be awarded for Unserved Properties only.

Q. Section 3.1.6-e requires proposals to identify each address proposed to be served. Specific addresses may not be identified until after the project is approved and a physical walkout of the area is conducted. However, the project area will be defined based on desk-top modeling. Will proposals which identify street segments (e.g., 1-99 Main Street) or other geographic boundaries meet the requirements of the RFP?

A. The number of Unserved Properties will be used in the award determination and must be included in the proposal. Section 4.5(g) requires addresses for *each* of the Unserved Properties to be served. Section 4.7 requires a statement confirming that the Project will provide service to Unserved Properties and supporting documentation.

Q. Will an estimated, or committed minimum number of locations for a defined geographic area to be served be acceptable?

A. The number of Unserved Properties will be used in the award determination and must be included in the proposal. Section 4.5(g) requires addresses for *each* of the Unserved Properties to be served. Section 4.7 requires a statement confirming that the Project will provide service to Unserved Properties and supporting documentation. There is no a minimum number of Unserved Properties required for a proposal.

Q. How is "Serviceability" defined for purposes of this RFP? Will locations where broadband infrastructure passes along the public right of way but would require some later construction on private property to be considered serviceable and included in the per location cost analysis? In other words, would serviceability be consistent with the term as used in cable television franchises?

A. Serviceability is not a term used or defined in the RFP. Projects must be completed by December 15, 2020. The Broadband Expansion project is designed to bring 25/3 Mbps internet accessibility capable of supporting interactive livestreaming to as many Unserved Properties as possible. Individual property connections will be the responsibility of the property owner working directly with the provider.

Q. Would an applicant be considered a qualified broadband provider if the application were conditioned on obtaining necessary approvals, such a cable television license?

A. For purposes of this RFP, a qualified provider is defined as a provider that has all of the necessary licenses, permits and/or approvals to provide broadband in New Hampshire via the technology proposed in the Application ("Qualified Provider").

Section 4.8 requires a list of all approvals necessary for construction, a statement as to whether they have been obtained, and if not, the projected schedule to obtain them. If the schedule permits obtaining the necessary approvals and completing the Project on or before December 15, 2020 and all other RFP requirements are met the Proposal would be considered.

Q. In Section 4, footnote 3, Applicants that are pole owners of poles necessary for another application/project are required to enter into a reasonable and timely voluntary pole attachment agreement with the other applicant. Given the emergency nature of the RFP, would the State also consider an alternative system that would allow the attachment of plant on poles in an expedited manner where a provider has an existing pole attachment agreement but not yet license to attach specific poles?

A. The State will consider any legally permissible and technically feasible approach that lawfully permits necessary pole attachments related to a Project.

Q. Please estimate the anticipated duration of the application review process? When is the anticipated announcement of awards expected?

A. Announcement of awards is expected mid-July. See Section 1.3 of the RFP.

Q. In order to ensure that funding is used only for projects that provide broadband access to the unserved, will the state allow a transparent and public review period prior to final award of grants for the purpose of allowing providers an opportunity to offer information about the broadband services currently available in a proposed project area?

A. See Section 1.2 of Addendum #2 to the RFP.

Q. Exhibit B indicates that 10% of the project costs will be provided at the start of construction. How is "construction" defined? There are many pre-construction activities such as walk-out, design, pole

permitting, street permitting, and acquisition of materials that ought to be reimbursable expenses and mark the beginning of a project.

A. See Addendum #4 to the RFP.

Q. Sec. 2 p. 7 – Please describe the anticipated role of the Public Utilities Commission during this process.

A. The Public Utilities Commission has been involved in the RFP process and will play a role in project compliance at completion.

Q. In Footnote 4, reference is made to additional provisions to be included in the Sample Grant Agreement. When will the additional provisions be provided?

A. Additional provisions will be provided to Selected Applicants and further developed during the process of reaching a final Grant Agreement.

Q. Our town may be working with two (2) electrical operators and two (2) independent service providers based on access and geography barriers. Should these be submitted as two (2) independent proposals or one (1) consolidated document?

A. Any municipality/county or qualified provider, or combination of the two, are eligible to apply. It is up to the Applicant to determine the best way to submit a Proposal or Proposals. An Applicant is permitted to submit and/or be involved with multiple applications.

Q. Is the applicant itself (municipality) required to hold the performance bond or can the provider meet that requirement for the project?

A. The party with responsibility to perform under the Grant Agreement is required to provide the performance bond.

Q. Is there a minimum private/municipal investment for project proposals?

A. No.

Q. Competitive scoring of proposals assigns 25 of 100 points to "Connection Speed in Mbps." Is this directly proportional to connection speed? For example, how are points assigned to a proposal to provide 50/6 Mbps service, compared to the baseline 25/3 Mbps service?

A. See Section 5 of the RFP. The proposed speed for qualified projects will be ranked and assigned a score based on that ranking.

Q. What will the state do to ensure expedited consideration and receipt of all permits and authorizations required by governmental entities and pole owners, including the timely receipt of all pole attachment make-ready which is controlled by the pole owner, to make the completion of construction by 12-15-20 possible?

A. Selected Applicants are responsible for compliance with all applicable local, state and federal laws, codes and regulations relative to the Projects and shall acquire all necessary permits, approvals and agreements.

Q. If applicants submit timely requests for permits and authorizations to governmental entities and pole owners and those requests are unreasonably delayed by governmental entities or pole owners, leading to the project not meeting the funding deadline of 12-15-20, what will the state do to guarantee that funding awards are still honored or to mitigate the risk that they will not be awarded?

A. Selected Applicants are responsible for compliance with all applicable local, state and federal laws, codes and regulations relative to the Projects and shall acquire all necessary permits, approvals and agreements. CARES Act Grant Funding is not available after December 30, 2020.

Q. Will this program consider an excusable delay for failure to meet the deadline where the delay is outside of the applicant's control?

A. The CARES ACT Grant Funding does not permit extension of the schedule for any reason.

Q. How will the state ensure that duplicate grants will not be awarded for the same area? If so, will there be an opportunity for an incumbent provider to challenge the grant?

A. Section 5 describes how awards will be made, including circumstances where there are multiple proposals for the same properties.

Q. What data set are you using to determine addresses with less than 25/3 service and can we access that data to prepare our submission?

A. Applicants are responsible for identification of Unserved Properties, which will be subject to verification. Section 4.7 requires a statement confirming that the Project will provide service to Unserved Properties and supporting documentation.

Q. Please define what you mean by "Projects must be completed..... no later than Dec 15." Does "completion" require any or all of the following?

funds committed  
construction complete  
service available  
service subscribed for  
service turned on

A. Completion means that the network is configured to support 25/3 Mbps broadband service and available to Unserved Properties no later than December 15, 2020.

Q. It strikes us that 25/3 is a low bar given today's demand for bandwidth, particularly upload speeds. Will projects that allow for symmetrical Gigabit speeds be given significant preference as this is the way the world is going?

A. Section 5 provides the evaluation process. Speed is a criterion on which Proposals will be evaluated.

Q. Will projects that are doing the groundwork for future broadband development be considered responsive to the RFP or does the project need to result in service being turned on?

A. The project must make 25/3 Mbps broadband service capable of supporting interactive livestreaming available to Unserved Properties no later than December 15, 2020.

Q. Is it reasonable to assume that given the short 14-day RFP deadline and requirement for pole attachment agreements to be in place that only incumbent providers/pole owners will be able to submit responsive proposals? Was this intentional?

A. Grant funds must be paid out by December 30, 2020. RFP eligibility criteria reflect the need to provide broadband expansion during the COVID-19 pandemic and the need for completion by December 15, 2020 associated with the CARES Act Grant Funds.

Q. Does the required "pole attachment agreement" need to specify exact terms, by pole, or can it be a general, omnibus agreement to agree on terms?

A. Any legally permissible and technically feasible approach that lawfully permits necessary pole attachments related to a Project is acceptable.

Q. Will the board consider a proposal from a single town and vendor that would benefit thousands of other underserved residents across the state without first obtaining a formal agreement with all those affected communities?

A. It is unclear what "board" is being referred to here. See Section 5 for grant award criteria. Selected Applicants are responsible for compliance with all applicable local, state and federal laws, codes and regulations relative to the Projects and shall acquire all necessary permits, approvals and agreements.

Q. Will the board work to combine competing proposals to maximize the total ROI of the initiative as chartered?

A. It is unclear what "board" is being referred to here. See Section 5 for grant award criteria.

Q. Will this fund cover FTTH (fiber to the home) or just fiber "to the curb"? If FTTH, do all the "drops" have to be in place by Dec 15 to receive payment?

A. The Broadband Expansion project is designed to bring 25/3 Mbps internet accessibility capable of interactive livestreaming to as many Unserved Properties as possible. Individual property connections will be the responsibility of the property owner working directly with the provider.

Q. Since these assets will be funded with taxpayer dollars, will there be any limits on the tariffs the operators can charge?

A. Related tariffs, if any, are not determined as part of this procurement process.

Q. Will the assets be owned by the developers, or by the state or local government subject to an exclusive irrevocable right to use?

A. Operation, maintenance, and ownership of the system is the sole responsibility of the Selected Applicant(s).

Q. What constitutes a qualified provider considering broadband is an unregulated industry? If all necessary permits are in place/can be obtained, is that sufficient?

A. For purposes of this RFP, a qualified provider is defined as a provider that has all of the necessary licenses, permits and/or approvals to provide broadband in New Hampshire via the technology proposed in the Application ("Qualified Provider").

Q. If 65% of scoring criteria is weighed based upon cost per household served, does this program give urban places a significant advantage over rural ones?

A. This proposal is designed to provide reliable high speed internet connectivity (25 Mbps download and 3 Mbps upload (25/3)) capable of supporting interactive livestreaming to as many Unserved Properties as possible at the least cost to the State.

Q. Please confirm that an electric cooperative organized under New Hampshire RSA 301 would be considered a "qualified New Hampshire broadband provider," per 3.1 Minimum Requirements of the RFP.

A. For purposes of this RFP, a qualified provider is defined as a provider that has all of the necessary licenses, permits and/or approvals to provide broadband in New Hampshire via the technology proposed in the Application ("Qualified Provider"). For clarity, any Applicant who is legally permitted to provide broadband in New Hampshire will be considered a Qualified Provider.

Q. If electric cooperatives are disqualified from responding to the RFP, please provide the basis for this exclusion and why the state has elected to use different criteria than the Federal Communications Commission (FCC) and other federal government agencies.

A. For purposes of this RFP, a qualified provider is defined as a provider that has all of the necessary licenses, permits and/or approvals to provide broadband in New Hampshire via the technology proposed



in the Application (“Qualified Provider”). For clarity, any Applicant who is legally permitted to provide broadband in New Hampshire will be considered a Qualified Provider.

Q. How do small towns apply for or work with a provider to access some of these funds?

A. Applicants are responsible for determining the best way to submit a Proposal or Proposals. An Applicant is permitted to submit and/or be involved with multiple applications.

Q. Is the 12/15/20 completion date specified in the RFP a statutory condition in the CARES Act, is it imposed by federal officials implementing the CARES Act, or is it imposed at the discretion of NH officials?

A. CARES Act funds are designed to respond to the COVID-19 pandemic and must be paid out by December 30, 2020. In order to facilitate payment processing, projects must be complete by December 15, 2020.

Q. The RFP doesn't indicate what happens if that deadline is missed. The Select Board wanted to ask whether there was some sort of financial penalty involved if the deadline was missed. Does the funding simply expire? Would the town be obligated to finish the project with their own funds?

A. The pro rata portion, as determined by the State, of any Projects not completed by December 15, 2020 will not be eligible for funding and the Project must be completed at the Applicant’s sole expense. See Grant Agreement Exhibit B to the RFP.

Q. Section 1.8 Anticipated Grant Agreement Term indicates the term extends through 2021, should this be 2020?

A. See Addendum #2 to the RFP.

Q. To clarify, if a Town is to submit a proposal, the proposal would need to address providing maximum coverage to existing unserved/underserved areas of the state in addition to that of the Town's own unserved/underserved areas. Therefore, a Town cannot submit a proposal for coverage that only addresses the needs of those unserved/underserved in the Town.

A. See Section 3. A proposal can cover any number of Unserved Properties. Proposals will be evaluated as provided in Section 5 of the RFP.

Q. Would the State entertain putting 100% of funds for the purchase of equipment supporting Broadband into an escrow account if a town wanted to submit its own proposal and doesn't have money in the budget to wait for the 90% reimbursement?

A. No.

Q. 1.5 says to mail a hard original copy to the address in 1.2. There is no mailing address in 1.2.

A. See Addendum #2 to the RFP.

Q. Is there any consideration being given to extend the deadline to make the goal more achievable?

A. No. CARES Act funds are designed to respond to the COVID-19 pandemic and must be paid out by December 30, 2020. In order to facilitate payment processing, projects must be complete by December 15, 2020.

Q. Can a company request a waiver of the performance bond requirement, or otherwise limit the bond to the amount of money the state has actually paid a provider prior to completion (i.e. the 10% upfront cost)?

A. No.

Q. Is there room to consider the size of provider in terms of revenue or market cap as a proxy for the performance bond?

A. No.

Q. What is the threshold for determining if an area is competitively served by another provider?

A. See Addendum #4. Selected Applicants will be required to provide connectivity to New Hampshire properties currently without access to broadband internet service that is suitable for interactive live streaming required for distance learning, telework, telehealth, and other remote services due to the COVID-19 pandemic ("Unserved Properties") as provided in the Grant proposal and Grant Agreement. Selected Applicants must provide reliable service delivered at a minimum of 25 Mbps download and 3 Mbps upload (25/3 Mbps) with capacity and responsiveness to meet the stated uses.

Q. Is there a challenge process for current ISP's to dispute a submitted project? Please describe.

A. There is no formal challenge process for ISPs to dispute a submitted project or grant award.

Q. The RFP says "other existing contractual commitments are also excluded from consideration." Are contracts between municipalities and providers where they agreed to joint funding of a project but no construction has commenced count as "other contractual commitments" and are thereby disqualified? Are projects with agreements between municipalities and providers where there is an agreement in principal but terms have not yet been reduced to a written contract and no action has been taken on the project disqualified as "other contractual commitments?"

A. Projects related to existing rural broadband expansion commitments or other existing contractual commitments are also excluded from consideration. A contractual commitment exists where the applicant has an existing legal obligation to perform a project. Joint funding agreements, where there is no existing commitment to perform a project do not constitute "other contractual commitments." If there is no contractual agreement, such projects will be eligible.

Q. The RFP states on page 7 that "The pro rata portion, as determined by the State, of any Projects not completed by December 15, 2020 will not be eligible for funding and must be completed at the Applicant's sole expense." Does this suggest that a portion of a project that is completed prior to December 15, 2020 can receive funding if the project is delayed and completes after that date. For instance, if fiber is placed but equipment is delayed?

A. Project schedules must anticipate completion by December 15, 2020. If a project is delayed, despite a reasonable proposed schedule through no fault of the Selected Applicant, the pro rata portion, as determined by the State, of the Project that was not completed will not be eligible for funding. The portion that was completed, as determined by the State, may be eligible for funding. As a condition of funding for the eligible pro rata portion, the Selected Applicant will be required as a term of the Grant Agreement, to complete the remainder of the Project in a timely manner at the Selected Applicant's sole expense.

Q. Can a municipality propose a municipality-owned broadband network? For example, where existing private providers are unable to complete a network build-out by the December 15 deadline that meets the 25/3 Mbps broadband requirement.

A. See Section 3 of the RFP.

Q. Next, consider an existing private ADSL2+ Annex A network. The network provides a theoretical maximum speed of 24.0/1.4 Mbps on a single customer DSL line. The service provider also offers bonded pairs of DSL lines to customer properties for a theoretical maximum speed of 48.0/2.8 Mbps. If the network was upgraded to ADSL2+ Annex M, the theoretical maximum speed would be 24.0/3.3 Mbps on a single customer DSL line.

Can a proposal rely on bonding multiple service lines to meet the 25/3 Mbps broadband requirement?

A. See Section 3 of the RFP.

Q. The theoretical maximum service speeds above, 48.0/2.8 Mbps and 24.0/3.3 Mbps, both fail to meet the 25/3 Mbps broadband threshold required by this RFP. Is this correct?

The actual DSL connection speed available at the customer location decreases rapidly with increasing distance from the local DSL access multiplexer. For a network offering bonded pairs of ADSL2+ Annex M lines with a theoretical maximum speed of 48.0/6.6 Mbps, many customer properties will still have maximum connection speeds below the 25/3 Mbps requirement.

A. See Section 3 of the RFP.

Q. Are we required to estimate the attainable DSL connection speed, allowing for degradation with distance? i.e. the proposal can only count unserved customers that we expect are close enough to a DSL access multiplexer to obtain actual speeds above the 25/3 threshold?

A. See Section 3 of the RFP.

Q. Is satellite service considered viable service?

A. Any technology that meets the requirements of Section 3 and other requirements in the RFP is eligible.